



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS, 8TH ARMY
UNIT #15236
APO AP 96205-5236

27 APR 2011

EACG

MEMORANDUM FOR All 8th Army Assigned Soldiers

SUBJECT: 8th Army Command Policy Letter #35 – Suspension of Pass Privileges for Soldiers under Investigation by Republic of Korea Authorities for Assaulting Korean Nationals

1. Reference. Manual for Courts-Martial, United States, 2008 Edition.
2. Purpose. To ensure a uniform approach is followed for the suspension of pass privileges of 8th Army Soldiers under investigation by civilian authorities for allegedly assaulting Korean nationals outside of US Forces Korea installations.
3. Background.
 - a. 8th Army Soldiers are good ambassadors of the command and their country when they interact with our Korean hosts in a respectful and disciplined manner. When assaulting a Korean national, however, even one Soldier can have a long term strategic impact on the ROK/US alliance and adversely affect the ability of 8th Army to accomplish its mission.
 - b. During the investigation of an alleged assault of a Korean national and any adjudication that may follow, it is essential for the command and the Soldier concerned that there be no additional international incidents of a service discrediting nature involving that Soldier. Force protection and public safety are other concerns commanders have when a Soldier pending this type of investigation continues to go off post for other than official purposes.
 - c. Under Rule for Courts-Martial 304(h), commanders have authority to place administrative limitations on Soldiers if necessary for operational or other military purposes independent of military justice. Such limitations may include temporary suspension of pass privileges.
4. Discussion.
 - a. When Republic of Korea authorities begin investigating a Soldier for an assault of a Korean national, the immediate commander of the Soldier shall suspend the Soldier's pass privileges for the period the Soldier is on International Hold pending completion of the investigation and any host nation judicial action that may follow.
 - b. A commander who believes that suspension of pass privileges is not warranted under the specific circumstances of a given case may request an exception to this policy. The approval authority for an exception is the Soldier's Special Court-Martial Convening Authority (SPCMCA).
 - (1) Requests for exception to policy shall specify why retention of pass privileges by the Soldier would be in the best interest of the command.

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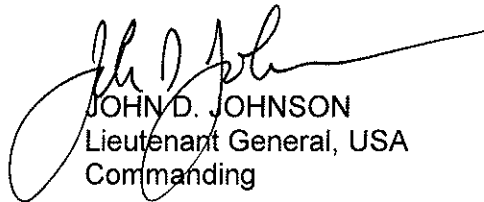
(2) While a request for an exception to this policy is being considered, the Soldier's pass privileges shall remain suspended.

c. Soldiers residing in off-post quarters who are affected by this policy shall normally be moved into on-post quarters. A commander who believes that an alternative to moving the Soldier on post (e.g., an order to limit off-post travel to going to and from work by the most direct route) is sufficient to accomplish the purpose of this policy, may request that the Soldier's SPCMCA approve the proposed alternative.

d. The suspension of pass privileges does not affect the performance of official duty. Soldiers whose pass privileges have been suspended pursuant to this policy are authorized to perform official duties off-post, attend off-post criminal proceedings, and travel off-post to comply with Korean National Police investigations.

e. Once a Soldier covered by this policy has been removed from International Hold status, his or her pass privileges shall be reinstated unless continued suspension is justified for reasons independent of this policy.

5. Proponent. The 8th Army Staff Judge Advocate is the proponent for this policy. The POC can be contacted at commercial 011-822-7918-4464 or DSN 315-738-4464.



JOHN D. JOHNSON
Lieutenant General, USA
Commanding